

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JUSTIN MONTELLO,

Defendant.

8:17CR236

ORDER

This case came before the Court on a Petition for Action on Conditions of Pretrial Release [27]. On February 21, 2018 Pretrial Services Officer Julie Gust submitted a Petition for Action on Conditions of Pretrial Release alleging the defendant had violated conditions of release as follows: The defendant failed to report to the supervising officer in the Eastern District of Tennessee as directed and his whereabouts were unknown. The defendant tested positive for marijuana on or about August 15, 2017, August 22, 2017, September 7, 2017, October 30, 2017, November 16, 2017, and December 15, 2017. Mr. Montello also failed to enroll in mental health counseling. A warrant for defendant's arrest was issued.

Following a Rule 5 Hearing in the Eastern District of Tennessee, the defendant appeared before the undersigned magistrate judge on April 18, 2018. Stuart J. Dornan represented the defendant. Russell X. Mayer, Assistant United States Attorney, represented the government. After being advised of the nature of the allegations, rights, and the consequences if the allegations were found to be true, the defendant denied the allegations. The Court took judicial notice of the Memorandum of Pretrial Services Officer Julie Gust dated April 11, 2018.

The government requested detention and the defendant did not resist detention pending a Disposition Hearing. I find that the defendant should be detained pending the Disposition Hearing. Upon the request of the defendant, the Disposition Hearing will be scheduled before Judge Rossiter on the date of his sentencing.

IT IS ORDERED:

1. The Disposition Hearing regarding the Petition for Action on Conditions of Pretrial Release [27] is scheduled before Judge Robert F. Rossiter, Jr., Courtroom No. 4, Third Floor,

Roman L. Hruska U.S. Courthouse, 111 South 18th Plaza, Omaha, Nebraska, on May 11, 2018, at 3:00 p.m.

2. The defendant is remanded to the custody of the U.S. Marshal to remain detained pending his next hearing, or upon further order of the court.

Dated this 19th day of April, 2018.

BY THE COURT:

s/ Susan M. Bazis
United States Magistrate Judge